

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DONALDSON INTERIORS, INC.,

Plaintiffs,

-against-

ALPLY INSULATED PANELS, LLC,

Defendant.
-----X

AZRACK, United States District Judge:

For Online Publication Only

ORDER

16-cv-06970 (JMA) (AYS)

**FILED
CLERK**

8/16/2019 2:12 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

On May 6, 2019, the Court granted plaintiff Donaldson Interiors, Inc.’s motion for default judgment against defendant Alply Insulated Panels, LLC. (ECF No. 47.) Plaintiff was directed to submit evidence to the Court concerning damages within sixty (60) days of the Court’s Order and has now submitted supporting affidavits to substantiate its damages calculation of \$1,479,342.54. (ECF Nos. 49, 50.) “[W]hile a party’s default is deemed to constitute a concession of all well pleaded allegations of liability, it is not considered an admission of damages.” Bricklayers & Allied Craftworkers Local 2, Albany, N.Y. Pension Fund v. Moulton Masonry & Const., LLC, 779 F.3d 182, 189 (2d Cir. 2015) (quoting Cement & Concrete Workers Dist. Council Welfare Fund v. Metro Found. Contractors, Inc., 699 F.3d 230, 234 (2d Cir. 2012)). The Court must conduct an inquiry to “ascertain the amount of damages with reasonable certainty.” Credit Lyonnais Sec., Inc. v. Alcantara, 183 F.3d 151, 155 (2d Cir. 1999) (citing Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997)). The Court finds that plaintiff’s supporting affidavits, (ECF Nos. 49, 50), establish its damages in the amount of \$1,479,342.54 to a reasonable certainty.

Accordingly, the Clerk of the Court is respectfully directed to enter judgment against defendant as follows: Defendant Alply Insulated Panels, LLC is liable to plaintiff Donaldson Interiors, Inc. for \$1,479,342.54 in damages. Post judgment interest is granted and shall be calculated pursuant to 28 U.S.C. § 1961 as of the date of this Default Judgment until the date of its satisfaction.

The Clerk of the Court is also directed to mark this case closed.

SO ORDERED.

Dated: August 16, 2019
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE